

Message Text

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ACTION DLOS-09

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FM AMEMBASSY ANKARA
TO SECSTATE WASHDC 2233
INFO AMEMBASSY ATHENS
AMEMBASSY CARACAS
AMEMBASSY COPENHAGEN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION GENEVA
USMISSION USUN NEW YORK
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E.O. 11652 N/A
TAGS: PLOS, TU, UK, US
SUBJ: TURKISH VIEWS ON SEVENTH SESSION OF LOS CONFERENCE

REF: A) ANKARA 2838 NOTAL, B) STATE 131424, C) STATE 134431
D) LONDON 13113 (1977)

SUMMARY: IN JUNE 1 DISCUSSION WITH EMBOFFS, MFA SECTION
CHIEF FOR LOS MATTERS PROVIDED MFA VIEWS ON SEVENTH SESSION
OF LOS CONFERENCE. IN TERMS OF TURKISH PRIORITY CONCERNS
(MOSTLY CONFINED TO SECOND COMMITTEE ISSUES), RESULTS OF
GENEVA PORTION OF THE SESSION WERE A "BIG NOTHING."
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WHILE PROGRESS WAS MADE IN "NONCONTROVERSIAL" THIRD
COMMITTEE AND TO LESSER EXTENT IN FIRST COMMITTEE,
ARBITRARY ATTITUDE OF SECOND COMMITTEE CHAIRMAN AGUILAR
AND NG-7 CHAIRMAN MANNER PREVENTED PROPER CONSIDERATION
OF TURKISH PROPOSALS. TURKS WERE PUZZLED BY CONTINUING
BRITISH RESISTANCE TO PRINCIPLES ON WHICH 1977 CHANNEL
ISLANDS ARBITRATION DECISION WAS BASED. COMPOSITION OF

TURKISH DELEGATION TO RESUMED LOS SESSION NOT YET DETERMINED, BUT SAME LEVEL WILL BE MAINTAINED AND AMBASSADOR YOLGA WILL PROBABLY CONTINUE TO HEAD IT. MFA OFFICER REQUESTED BACKGROUND INFORMATION ON US REPRESENTATIVE'S (SOHN) EFFORTS TO FIND COMPROMISE ON SETTLEMENT OF DELIMITATION DISPUTES. ACTION REQUESTED: BACKGROUND ON SOHN'S COMPROMISE PROPOSALS. END SUMMARY.

2. IN JUNE 1 MEETING WITH EMBOFFS, MFA SECTION CHIEF FOR LOS MATTERS, SUHA UMAR, INDICATED THAT, WHILE GENEVA PORTION OF LAW OF THE SEA (LOS) SEVENTH SESSION MAY HAVE PRODUCED SOME PROGRESS ON ISSUES OF CONCERN TO THE USG, IN TERMS OF MAIN TURKISH CONCERNS (REF A), MOST OF WHICH INVOLVE SECOND COMMITTEE ISSUES, THE SESSION PRODUCED "A BIG NOTHING." WHILE AT FIRST APPEARING TO MAINTAIN THAT THE CONFERENCE MADE NO SIGNIFICANT PROGRESS IN ANY AREA, UMAR'S SUBSEQUENT COMMENTS INDICATED THAT TURKS SAW PROGRESS IN FIRST AND THRID COMMITTEES.

3. ALTHOUGH NO CONSENSUS WAS REACHED ON THE ISSUE OF THE OUTER LIMIT OF CONTINENTAL SHELF RIGHTS (ART. 77), UMAR FELT THAT ULTIMATELY AGREEMENT MIGHT BE REACHED ON THE BASIS OF THE IRISH FORMULA (IF) OR SOME VARIAT OF IT. ALTHOUGH TURKEY HAS NO POSSIBILITY OF CLAMING ANY SHELF RIGHTS UP TO A LIMIT OF 200 MILES, LET ALONE BEYOND 200 MILES, THE TURKS ATTACH GREAT IMPORTANCE TO LIMITED OFFICIAL USE

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THE MAINTENANCE IN ART. 76 OF THE CONCEPT OF "THE NATURAL PROLONGATION OF (A STATE'S) LAND TERRITORY," A CONCEPT WHICH BOLSTERS THE TURKISH THESIS IN ITS DISPUTE WITH GREECE OVER THE SEABED OF THE AEGEAN. REFERRING TO A WALL MAP OF PURPORTED LOCATIONS OF MAIN MANGANESE NODULE DEPOSITS, WHICH, HE SAID, SHOWED MOST DEPOSITS TO BE POTENTIALLY WITHIN NATIONAL CONTINENTAL SHELF AREAS, UMAR SAID THAT ACCEPTANCE OF SHELF RIGHTS OUT TO THE GEOLOGICAL LIMITS OF THE SHELF WOULD MEAN THAT "THE 'COMMON HERITAGE OF MANKIND' WILL BE REDUCED TO ALMOST NOTHING." NEVERTHELESS, TURKEY IS FIRMLY COMMITTED TO THE MAINTENANCE OF THE "NATURAL PROLONGATION" PRINCIPLE, HE SAID, ALTHOUGH A WORDING WHICH CUT OFF THE NATIONAL RIGHTS TO THE "NATURAL EXTENSION" OF THE SHELF AFTER SOME ARBITRARY DISTANCE (E.G., 50 R 60 MILES BEYOND THE 200-MILE LIMIT) WOULD BE ACCEPTABLE. UMAR THOUGHT IT LIKELY THAT SOME FORM OF THE NANDAN COMPROMISE (COMBINATION OF IF AND RIGHTS OF ACCESS BY LANDLOCKED/GEOGRAPHICALLY DISADVANTAGED STATES TO OTHER STATES' FISHING ZONES) WOULD ULTIMATELY BE ACCEPTED BY THE CONFERENCE. SOMEWHAT CONTRADICTORILY, HE ASSERTED LATER THAT NO PROGRESS HAD BEEN MADE AT ALL ON THE ISSUE OF LL/GDS ACCESS AND THAT AMBASSADOR

RICHARDSON'S STATEMENT TO THE CONTRARY (REF B) WAS
MYSTIFYING UNLESS "HE KNOWS SOMETHING WE DON'T KNOW."

4. ACCORDING TO UMAR, NONE OF THE PARTICIPANTS IN
THE SEVENTH NEGOTIATING GROUP (NG-7)--DELIMITATION OF
MARINE BOUNDARIES--HAD CHANGED POSITION AT ALL,
REMAINING SPLIT ALMOST EVENLY BETWEEN PROPONENTS OF
PRIORITY FOR EQUITY AND OF PRIORITY FOR THE MEDIAN LINE.
INTERVENTIONS BY PARTICIPANTS CONSISTED OF REPETITIONS
OF WELL-KNOW POSITIONS, AND NG-7 CHAIRMAN MANNER'S
ARBITRARY CONDUCT WAS NOT CONDUCTIVE TO PROGRESS.
TURKISH SUPPORT FOR THE EQUITY PRINCIPLE WAS STRONGLY
AIDED BY FRANCE AND STRONGLY OPPOSED BY GREECE, UK,
CANADA AND SPAIN.
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5. STRONG BRITISH STAND IN NG-7 AGAINST EQUITY PRINCIPLE WAS SOMEWHAT PUZZLING TO TURKS, GIVEN UK ACQUIESCENCE TO JULY, 1977, CHANNEL ISLANDS ARBITRATION DECISION WHICH HAD SETTLED DISPUTE WITH FRANCE (REF D). (TURKEY LOOKS ON CHANNEL ISLANDS DECISION, WHICH DEVIATED FROM MEDIAN LINE PRINCIPLE IN WAYS SUPPORTING GENERAL TURKISH THESIS, AS SETTING IMPORTANT PRECEDENT.) ALTHOUGH IT WAS NOT CLEAR WHETHER OR NOT BRITISH HOPED TO ALTER THE EFFECTS OF THE CHANNEL ISLANDS DECISION THROUGH THE LOS TREATY, BRITISH DELEGATES WERE RELUCTANT TO DISCUSS THE DECISION WITH OTHER DELEGATES AND WERE PUSHING HARD FOR REAFFIR-
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MATION OF THE PRINCIPLE WHICH THE DECISION HAD UNDERMINED. UMAR NOTED THAT THIS WAS PARTICULARLY PUZZLING IN VIEW OF THE FACT THAT THE CHANNEL ISLANDS DECISION WAS, ACCORDING TO WHAT THE TURKS HAD LEARNED, PRIMARILY A POLITICAL DECISION RATHER THAN A JUDICIAL ONE; THE BRITISH AND FRENCH GOVERNMENTS HAD REACHED A BILATERAL POLITICAL DECISION ON THE SHAPE OF THE SETTLEMENT THAT THEY WANTED, AND THE ARBITRATION TRIBUNAL HAD MERELY RATIFIED THIS DECISION.

6. ALTHOUGH THE TURKS HAD WANTED TO PRESENT THEIR PROPOSALS FOR THE SECTION ON SEMI-ENCLOSED SEAS (PART IX), THEY WERE UNABLE TO DO SO BECAUSE SECOND COMMITTEE CHAIRMAN AGUILAR "WOULDN'T EVEN GIVE US FIFTEEN MINUTES" TO DO SO.

7. UMAR DESCRIBED THE THIRD COMMITTEE ISSUES (POLLUTION CONTROL AND MARINE SCIENTIFIC RESEARCH) AS NONCONTROVERSIAL AND SAID THAT THE COMMITTEE'S WORK WENT ALONG SMOOTHLY AND WAS ESSENTIALLY COMPLETED. HE EXPRESSED PLEASURE AT THE PROGRESS MADE ON POLLUTION CONTROL AND DESCRIBED THE RESEARCH ISSUE AS "SETTLED," WHILE ACKNOWLEDGING THAT SOME NATIONS, INCLUDING THE US, ARE STILL DISSATISFIED.

8. ALTHOUGH THE COMPOSITION OF THE TURKISH DELEGATION TO THE RESUMED SESSION OF THE LOS CONFERENCE IN NEW YORK THIS AUGUST HAS STILL NOT BEEN DETERMINED, UMAR SAID THAT THE DELEGATION WOULD BE "AT THE SAME LEVEL" AS THE REPRESENTATION AT THE GENEVA PORTION BUT "POSSIBLY THINNER." TURKISH AMBASSADOR TO MOSCOW NAMIK YOLGA WILL PROBABLY CONTINUE AS DELEGATION HEAD, ALTHOUGH NO

DECISION HAS BEEN MADE YET.
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9. UMAR MADE A POINT OF ASKING FOR INFORMATION REGARDING THE EFFORTS MADE BY ONE OF THE US DELEGATES, MR. SOHN, TO FIND ACCEPTABLE COMPROMISE LANGUAGE ON THE QUESTION OF SETTLEMENT OF DELIMITATION DISPUTES. UMAR FOUND THESE INITIATIVES, WHICH HE DESCRIBED AS UNPRECEDENTED FOR THE US DELEGATION, VERY STRANGE AND ASKED WHY THE US HAD CHOSEN TO MAKE SUCH A MAJOR ATTEMPT TO SETTLE THIS POINT. ACTION REQUESTED: PLEASE PROVIDE BACKGROUND ON SOHN'S INITIATIVE. WERE THERE US INTERESTS OTHER THAN THE GENERAL INTEREST IN A TREATY WHICH CAN MINIMIZE CONFLICT SITUATIONS?
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